

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD JOHNATHAN HART,

Petitioner,

v.

Case No. 11-CV-11916
HON. GEORGE CARAM STEEH

THOMAS BIRKETT,

Respondent.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (#12)
AND DISMISSING PLAINTIFF'S PETITION

On April 6, 2011, petitioner filed this application for writ of habeas corpus. On November 7, 2011, respondent filed a response. On December 7, 2012, Magistrate Judge Komives issued a twenty-six page report and recommendation that petitioner's application for writ of habeas corpus be denied and that petitioner be denied a certificate of appealability. The objection deadline has passed and no objections were filed. The court has reviewed the report and recommendation, and in the absence of timely objection,

The court hereby adopts Magistrate Judge Komives's December 7, 2012 report and recommendation, denies plaintiff a certificate of appealability, and dismisses plaintiff's petition.

SO ORDERED.

Dated: January 9, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 9, 2013, by electronic and/or ordinary mail and upon Donald Hart #239544, Central Michigan Correctional Facility, 320 N. Hubbard, St. Louis, Michigan 48880.

s/Barbara Radke
Deputy Clerk